

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

GARFIELD SEWELL,

Petitioner,

v.

//

CIVIL ACTION NO. 1:13CV120
(Judge Keeley)

ANNE MARY CARTER, Warden,
Federal Correctional Institution,
Morgantown, West Virginia,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 20]

On April 15, 2013, the pro se petitioner, Garfield Sewell ("Sewell"), filed a petition for writ of habeas corpus (dkt. no. 1) pursuant to 28 U.S.C. § 2241. After the Court referred the matter to United States Magistrate Judge James E. Seibert for initial screening and a report and recommendation, in accordance with L.R. P.L. P. 2, on July 31, 2013, the respondent, Anne Mary Carter ("Carter"), filed a motion to dismiss or for summary judgment (dkt. no. 15). Sewell filed a response (dkt. no. 19) on September 3, 2013.

On December 17, 2013, Judge Seibert issued his report and recommendations ("R&R") (dkt. no. 20), recommending that the Court grant Carter's motion and dismiss the petition with prejudice. Judge Seibert determined that, even though Sewell had failed to exhaust his administrative remedies, the case should be decided on the merits. After reviewing the petition, he concluded that the

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BOP did not abuse its discretion in denying Sewell a sentence reduction.

The R&R specifically warned Sewell that his failure to object to the recommendations would result in the waiver of any appellate rights he might otherwise have on this issue. Sewell did not file any objections.* Consequently, finding no clear error, the Court **ADOPTS** the R&R in its entirety, **GRANTS** the motion to dismiss or for summary judgment, **DENIES** the petition, and **ORDERS** that this case be **DISMISSED WITH PREJUDICE** and stricken from the Court's docket.

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se petitioner, certified mail, return receipt requested.

DATED: January 14, 2014.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

* The failure to object to the R&R not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issues presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).